## Government of the District of Columbia zoning commission



ZONING COMMISSION ORDER NO. 272 Case No. 78-33 February 8, 1979

The application in Case No. 78-33 is a request from the District of Columbia Department of Housing and Community Development (DHCD) for a change of zone from R-5-C to C-2-C for lots 23-25, 39, 814-819, 821-823, 830, 831, and 835 in square 281. The subject site is located at the southwest corner of the intersection of 12th and N Streets, N.W. in the Shaw Urban Renewal Area, and comprises approximately 41,500 square feet.

The subject site is proposed to be developed with market-rate condominium apartments and commercial development in accordance with the Urban Renewal Plan. The applicant proposes a ninety-foot building with commercial uses on the first floor and active recreational uses on the roof.

The area immediately across "N" Street to the north and 12th Street to the east is zoned R-5-C. The property abutting the site to the west is also zoned R-5-C. Further to the west toward 13th Street and across the alley south of the site is property zoned SP-2. The nearest commercial zoning, C-2-A, fronts along 11th Street to the east. There is no C-2-C oning in the area. The Commission believes that rezoning of the subject site to C-2-C would result in spot-zoning, in that the property would be zoned in a manner completely different from the zoning of surrounding properties.

The Commission further believes that the application could properly be considered by the Commission under the Planned Unit Development process, wherein the Commission could possibly approve the project without changing the zoning designation.

The Commission also believes that the applicant has failed to demonstrate why the existing R-5-C zoning is not appropriate zoning for the site, and additionally, why the proposed C-2-C zoning would be appropriate, especially in light of all the existing undeveloped commercial zoning in the area along 11th Street.

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The applicant failed to meet the burden of proof required to show that the case should be granted a public hearing.

The Commission also notes that it has stated in the past that it would not accept applications from DHCD for zoning action that have design considerations of lesser merit and substance, than the Commission would accept from private developers, particularly for property that lends itself to the Planned Unit Development process. The Commission believes that to set this case for hearing would be in contradiction of that policy.

Based on the foregoing reasons, the Commission therefore orders that no hearing on this application be set and that the application be DENIED without prejudice, subject to the refiling of a subsequent application.

Vote of the Commission at the meeting held on February 8, 1979: 4-0 (Theodore F. Mariani, Ruby B. McZier, John G. Parsons, and Walter B. Lewis, to deny without prejudice - George M. White, not present not voting).

By order of the District of Columbia Zoning Commission

STEVEN E. SHER Executive Director Zoning Secretariat